

MANDATORY REPORTING REQUIREMENTS FOR EMPLOYERS OF LICENSED VOCATIONAL NURSES & PSYCHIATRIC TECHNICIANS

Historical Information

Legislation set forth in Senate Bill 358 (Statutes of 2003, Chapter 640), effective January 1, 2004, added sections 2878.1 and 4521.2 to the Business and Professions (B&P) Code establishing mandatory reporting requirements for employers of licensed vocational nurses (LVNs) and psychiatric technicians (PTs). As a result of this new legislation, the Board of Vocational Nursing and Psychiatric Technicians (Board) added/amended the California Code of Regulations (CCR), Title 16, Division 25, Chapters 1 and 2, sections 2518.6 through 2523.6 (LVN) and 2576.6 through 2579.8 (PT). **The new regulations take effect October 11, 2007.**

Reporting Requirements

The new mandatory reporting requirements specify that employers of LVNs and PTs shall report to the Board, in writing, the suspension or termination for cause of an LVN or PT in their employ. The report shall be made within 30 days of the effective date. Employers who fail to report to the Board any suspension or termination for cause of an LVN or PT in their employ may be cited and fined up to \$10,000 per violation.

Reportable Suspensions/Terminations

“Suspension or termination for cause” is defined as suspension or termination from employment for any of the following reasons:

- Use of controlled substances or alcohol to the extent that it impairs the licensee’s ability to safely practice.
- Unlawful sale of a controlled substance or other prescription items.
- Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.
- Falsification of medical records.
- Gross negligence or incompetence.
- Theft from patients or clients, other employees, or the employer.



How to Report Violations

To report suspensions or terminations for cause, employers may complete the “Employer Mandatory Reporting Form” available on the Board’s website or write to the Board’s Enforcement Division at the following address:

**Board of Vocational Nursing &
Psychiatric Technicians
2535 Capitol Oaks Dr., Suite 205
Sacramento, CA 95833
Telephone (916) 263-7827
FAX (916) 263-7855**

When submitting the report, employers are encouraged to include a copy of the LVN’s/PT’s official notice of termination or suspension.

For more information regarding the new statutes, regulations, or the disciplinary process, please call the Board’s Enforcement Division at the telephone number shown above or visit the Board’s website at:

www.bvnpt.ca.gov

REFERENCE:

B&P Code sections:

2878.1 (LVN)

4521.2 (PT)

CCR sections:

2518.6 through 2523.6 (LVN)

2576.6 through 2579.8 (PT)